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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

VICTORIA LINTON,

Plaintiff,

v.

**PAVEL POPOV, and
DOES 1 – 10,**

Defendants,

Case No.: 3:18-cv-00097

COMPLAINT

COPYRIGHT INFRINGEMENT

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiff Victoria Linton, the author of copyrighted content protected by United States law, complains and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action for copyright infringement of federally registered copyrights in violation of the Copyright Act of 1976, 17 U.S.C. §§ 101 et seq. (the “Copyright Act”). Plaintiff seeks equitable relief, damages, attorney fees and costs, and such other relief as the Court deems proper.

COMPLAINT

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JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. Venue in this district is proper pursuant to 28 U.S.C. § 1391(b) and 28 U.S.C. § 1400(a) as the Plaintiff resides in this district and the Defendant targets his activities to both Plaintiff in this District and the citizens of Oregon in General.

PARTIES

PLAINTIFF

4. Plaintiff Victoria Linton is an Oregon resident who resides in Yamhill County.

The Rights of Plaintiff

5. Ms. Linton's father collected and enjoyed classic cars and over his life has amassed an impressive collection of American classic cars.

6. Ms. Linton's father is a retired Air Force Veteran who has Alzheimer's and can no longer enjoy his collection or properly care for himself.

7. It has fallen to Ms. Linton to curate her father's collection and as necessary sell cars to raise money for his care.

8. In the sale of select cars from the collection, Ms. Linton takes photographs and writes text to market the cars and then posts the text and the photos on authorized web sites to market the vehicles.

9. In a number instances, the text and photographs of Ms. Linton have been copied by other unscrupulous web sites and used without her permission for nefarious purposes.

10. To protect her rights and address this fraud, Ms. Linton has registered one of her ads titled, "1979 Lincoln Ad" with the U.S. Copyright office, securing rights under the Copyright Act, registration pending, Case No. 1-6205753821, first published Dec. 20, 2017.

THE DEFENDANT

11. The Defendant is believed to be Mr. Pavel Popov, operating out of Saint Petersburg, Russia, together with other possible associates.

12. Defendant operates a number of affiliated scam web sites, including:

TOPCLASSICCARSFORSALE.COM
VEH-MARKETS.COM
FINDCLASSICARS.COM
SMCLASSICCARS.COM
CLASSICCARDB.COM
CLASSICVEHICLESLIST.COM
CLASSICCARSEXPORT.COM
AMERICANCLASSICSCARS.COM
USEDFROMUSA.COM
SUPREMEMOTOS.COM

And others.

13. All of these websites are registered to:

Registrant Name: Pavel Popov
Registrant Organization: Private Person
Registrant Street: Botanicheskaya, 6, ap. 40
Registrant City: Saint-Petersburg
Registrant State/Province: LENINGRADSKAYA OBLAST
Registrant Postal Code: 198504
Registrant Country: RU
Registrant Email: wafflez360@gmail.com

14. The Defendant operates through the unauthorized collecting of ads posted by parties such as Ms. Linton, and then adding them to his own scam web pages and presenting his scam web pages and himself as an authorized outlet for the purchase of such vehicles.

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HARM CAUSED BY DEFENDANT

15. In the operation of these scam web sites, the Defendant steals content from Plaintiff and others and then presents it as his own such as shown in Exhibit 1 and Exhibit 2, images of Defendant web pages showing the ad and photos created by Ms. Linton for one of her father's cars, such content registered with the U.S. Copyright office. Exhibit 1, Exhibit 2.

16. In the operation of these scam web sites, the Defendant steals content from Plaintiff and others and then presents it as his own to bait consumers into providing personal information as they attempt to purchase a car, such information may then be sold or used in nefarious ways.

17. In the operation of these scam web sites, the Defendant steals content from Plaintiff and others and then presents it as his own diverting traffic from the legitimate sites and misleading consumers that may be looking for the authentic ad and car that is actually for sale.

18. In the operation of these web sites, the Defendant steals content from Plaintiff and others and then presents it as his own to increase website traffic from U.S. Citizens that he uses in the sale of advertising such as shown in Exhibit 1 and Exhibit 2 with advertising for Jeep, Getaround.com and Alaska Air and others.

19. The Defendant has knowingly infringed the rights of Plaintiff located in Oregon and operates in a manner to intentionally target the citizens of the United States and the State of Oregon. Note: Exhibit 2 p. 2, with an ad promoting sales of cars in Scappoose, Oregon.

CAUSE OF ACTION

(Federal Copyright Infringement)

20. Plaintiff incorporates by reference the above allegations.

21. Defendant, without the permission or consent of Plaintiff, copied and published Plaintiff's copyrighted content and the content of others through one or more web pages.
22. Defendant's actions infringed Plaintiff's exclusive rights under The Copyright Act.
23. Defendant's conduct was for the purposes of profiting from the wrongful use of Plaintiff's copyrighted content.
24. The conduct of the Defendant has been with notice, willful, intentional, in disregard of and indifferent to Plaintiff's rights with the intent to cause Plaintiff harm and deprive Plaintiff of the benefit of Plaintiff's work.
25. As a direct and proximate result of the Defendant's conduct, Plaintiff's exclusive rights under 17 U.S.C. § 106 have been violated.
26. Plaintiff is entitled to damages pursuant to 17 U.S.C. § 504 and attorney fees and costs pursuant to 17 U.S.C. § 505.
27. The conduct of the Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiff and others great and irreparable injury.
28. Pursuant to 17 U.S.C. §§ 502 and 503, Plaintiff is entitled to equitable relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- A. A finding Defendant willfully and intentionally infringed Plaintiff's rights;
- B. Entry of a permanent injunction enjoining Defendant from direct, indirect or contributory infringement of Plaintiff's rights;
- C. An order directing the scam web domain names fraudulently used by the Defendant be transferred to Plaintiff, including:

TOPCLASSICCARSFORSALE.COM
VEH-MARKETS.COM
FINDCLASSICARS.COM
SMCLASSICCARS.COM
CLASSICCARDB.COM
CLASSICVEHICLESLIST.COM
CLASSICCARSEXPORT.COM
AMERICANCLASSICSCARS.COM
USEDFROMUSA.COM
SUPREMEMOTOS.COM

- D. Damages pursuant to 17 U.S.C. § 504;
- E. For Plaintiff's reasonable costs and attorney fees pursuant to 17 U.S.C. § 505; and
- F. For such other and further relief as the Court deems proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury.

DATED: January 17, 2018.

Respectfully submitted,

CROWELL LAW

/s/ Carl D. Crowell

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Of attorneys for the Plaintiff